

Ordinance No. _____, Series 2006

AN ORDINANCE AMENDING SECTIONS 39.100-39.104 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES ("CODE") RELATING TO THE SMOKING POLICY FOR METRO GOVERNMENT-OWNED PROPERTY.

Sponsored By: Councilwoman Vicki Welch, District 13

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT [THE COUNCIL] AS FOLLOWS:

SECTION I. Pursuant to KRS Section 61.165, Sections 39.100 – 39.104 of the Code are hereby amended to read as follows:

§ 39.100 POLICY.

~~That it~~ is the policy of Metro Government that the smoking of tobacco products in all office buildings and workplaces occupied by Metro Government departments shall be prohibited, as permitted by KRS Section 61.165(3)(b). ~~restricted to certain well-identified and well-ventilated areas within such office buildings and workplaces.~~ "Metro government office building or workplace" shall mean any permanent enclosed structure owned, leased or used by a department of Metro Government in which one or more employees of Metro Government regularly work. "Metro government office building or workplace" shall not include a tent, a temporary structure erected for less than six months, or a motor vehicle.

~~§ 39.101 ESTABLISHMENT.~~

~~That a written smoking policy shall be established for all Metro Government office buildings and workplaces, except that any smoking policy applicable to the offices of the Metro Council may be adopted only by action of~~

~~the Metro Council. A written policy consistent with § 39.103 shall be developed by each department Director for all buildings and workplaces occupied by his or her department, except that in any building which is occupied by two or more departments, the Office of the Mayor shall develop a policy for all common areas of such building or workplace consistent with the guidelines established by § 39.103. A copy of the policy shall be distributed to all employees of the department to which the policy applies. The smoking policy adopted by each department and the Mayor's office shall constitute rules of conduct for the employees of each department.~~

~~§ 39.102 REVIEW OF CHANGES.~~

~~That the Jefferson County Attorney's office shall review all smoking policies developed pursuant to these ordinances for conformity with the guidelines established by § 39.103.~~

~~§ 39.103 GUIDELINES.~~

~~That all smoking policies established for Metro Government office buildings and workplaces pursuant to these ordinances shall conform to the following guidelines:~~

~~(A) No less than one accessible indoor smoking area shall be provided in any office building or workplace in which smoking is otherwise restricted;~~

~~(B) Smoking should be allowed in open public areas where ventilation and air exchange are adequate and there are no restrictions otherwise placed on the area by the State Fire Marshal or other similar authority;~~

~~—— (C) Smoking should be prohibited during all meetings of more than five persons which are held in any building or workplace;~~

~~—— (D) Employees providing direct customer service should be prohibited from smoking while performing such services;~~

~~—— (E) Smoking should not be permitted in reception areas;~~

~~—— (F) Smoking should be prohibited in elevators, restrooms and stairwells;~~

~~—— (G) Smoking should be prohibited in storerooms and any areas where it is unsafe to smoke, such as where combustible materials accumulate; and~~

~~—— (H) Appropriate signage should be placed in all office buildings and workplaces in which smoking is restricted informing employees and visitors of the smoking restrictions and the location of smoking areas.~~

§ 39.104 VEHICLES.

Smoking of tobacco products shall be permitted in any assigned Metro Government vehicle as long as all employees assigned to such vehicle consent to permitting smoking within the vehicle. Smoking of tobacco products shall be prohibited in all pool vehicles.

SECTION II. This Ordinance shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Kevin J. Kramer
President of the Council

Jerry E. Abramson
Mayor

Approved: _____
Date

APPROVED AS TO FORM AND LEGALITY:
Irv Maze
Jefferson County Attorney

BY: _____

Draft 1 epm 10/18/06 10:40 a.m.